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DATE FILED: 2/22/19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARSHAL ROSENBERG,

Plaintiff,

- against -

METROPOLIS GROUP, INC., A&N DESIGN
STUDIO, INC. D/B/A DOOR3 BUSINESS
APPLICATIONS, JOHN DOES 1-10, JANE
DOES 1-10, AND XYZ COMPANIES 1-10,

Defendants.
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No. 1:18-CV-04830 (AKH) (BCM)

~~PROPOSED~~ CIVIL CASE
MANAGEMENT PLAN

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

A. The case (is) (is not) to be tried to a jury.

B. Non-Expert Discovery:

1. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. All non-expert discovery is to be completed by ~~August 21, 2019~~, which date shall not be adjourned except upon a showing of good cause and further order of the Court. Interim deadlines for specific discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.

a. The parties shall list the contemplated discovery activities and anticipated completion dates in Attachment A, annexed hereto.

2. Joinder of additional parties must be accomplished by May 24, 2019.

3. Amended pleadings may be filed without leave of the Court until May 24, 2019.

12/27/19

AKH

- C. For all causes of action seeking monetary damages, each party shall identify and quantify in Attachment B, annexed hereto, each component of damages alleged; and shall file Attachment B on or before the deadline for completion of non-expert discovery set forth above.
- D. Expert Discovery: All expert discovery is to be ~~completed by November 19, 2019,~~ *considered at the next status conf.* which date shall not be adjourned except upon a showing of good cause and further order of the Court. Each party shall serve its expert report(s) on or before September 20, 2019. Each party shall serve its rebuttal expert report(s) not later than October 21, 2019. Expert depositions, if any, shall be scheduled thereafter before the expert discovery completion date. Interim deadlines for specific expert discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the expert discovery completion date ordered by the Court.
- E. Motions, Settlement, and Second Pre-Trial Conference:
1. After the commencement of non-expert discovery, and no later than 45 days after the completion of expert discovery, the parties may file dispositive motions. As to motions, there shall be no more than three rounds of serving and filing papers: supporting affidavits and briefs, opposing affidavits and briefs and reply affidavits and briefs.
 - a. There shall be no cross-motions.
 - b. Papers served and filed by the parties shall conform to the requirements set out in the Court's Individual Rules.
 2. Upon the conclusion of non-expert discovery, counsel for the parties shall meet for at least two hours at the office of plaintiff's counsel, to discuss settlement. The date for the meeting is September 9, 2019. The time of such meeting shall be agreed upon by the parties. At the option of any party, the date may be canceled upon the service or filing of a dispositive motion and notice to the Court.
 3. Approximately one week thereafter, the parties shall meet with the Court for a Second Case Management Conference to discuss the status of the case, the prospects of settlement, whether alternative dispute resolution procedures should be utilized, the need for and a schedule regulating experts and expert discovery, appropriate motions and schedules therefor, and any other issue counsel or the Court wish to discuss. The Case Management Conference will be held on *Jan 10, 2019 at 10 am*.
- F. Any request for relief from any date provided in this Case Management Plan shall conform to the Court's Individual Rules, and include an order, showing consents and disagreements of all counsel, setting out all dates that are likely to be affected by the granting of the relief requested, and proposed modified dates. Unless and until

the Court approves the proposed order, the dates provided in this Plan shall be binding.

G. A final pre-trial conference will be held on a date to be set, as close as possible to the date that trial is expected to begin. The parties, three days before said meeting, shall submit their pre-trial order, conforming to the Court's Individual Rules and, at the conference, deliver their exhibit books containing all exhibits the parties actually intend to offer at the trial.


H. Pre-Trial Motions:

Applications for adjournments and for discovery or procedural rulings will reflect or contain the positions of all parties, and otherwise conform to my Individual Rule I (D).

SO ORDERED.

DATED: New York, New York

2/22, 2019


ALVIN K. HELLERSTEIN
United States District Judge

ATTACHMENT A

The Parties are to list the discovery activities (i.e., production of documents, number of depositions, requests to admit, interrogatories) and anticipated completion dates:

<u>DISCOVERY ACTIVITIES</u>	<u>COMPLETION DATE</u>
1. Date by which initial disclosures shall be made.	March 8, 2019
2. Date by which initial requests for production of documents are to be served.	March 15, 2019
3. Date by which initial interrogatories are to be served.	March 15, 2019
4. Date by which further interrogatories, if any, are to be served.	June 24, 2019
5. Date by which non-expert depositions are to be completed.	August 21, 2019

ATTACHMENT B

For all causes of action seeking monetary damages, each party shall identify and quantify each component of damages alleged:

1. **PLAINTIFF'S CLAIMS:**
2. **COUNTERCLAIMS AND CROSS-CLAIMS:**
3. **THIRD-PARTY CLAIMS:**